

SIMON FRASER UNIVERSITY

SCHOOL OF ENGINEERING SCIENCE



BURNABY, BRITISH COLUMBIA
CANADA V5A 1S6
Telephone: (604) 291-4371
Fax: (604) 291-4951

RECEIVED
MAR 24 1997
FCO 111-8000

March 19, 1997

Office of the Secretary,
Federal Communications Commission,
1919 M Street, N.W.
Washington, DC 20554

Regarding: Video Programming Ratings Proposal
File: CS Docket No. 97-55

To Whom it May Concern,

Please find attached an original formal comment on the proposed "Video Programming Ratings Proposal". I have supplied nine copies so that each Commissioner can receive a personal copy of these comments.

If you would like to contact me I can be reached here at the School of Engineering Science, Simon Fraser University between the hours of 8:00 a.m and 5:00 p.m PST Monday - Friday. My phone number is (604) 291-3817 and my fax is (604) 291-4951. I can also be reached by email at the following address: collings@cs.sfu.ca. Thank you for your attention in this matter.

Yours sincerely,

Tim Collings, Professor
School of Engineering Science

No. of Copies rec'd 029
List ABCDE

FCC Formal Comment Submission

Video Programming Ratings Proposal - CS Docket No. 97-55

The FCC has invited comment on whether the industry's "TV Parental Guidelines" (the "guidelines") meet the criteria set forth in Section 551(e) of the Telecommunications Act of 1996 ("the 1996 Act"). As a parent, an educator, a researcher, and the Canadian inventor of the V-chip, I feel compelled to comment on the ratings proposal that has been submitted by the industry group.

Amid widespread, and highly-publicized, criticism of the guidelines, the FCC should consider several factors in their deliberations. Section 551(e) requires: (i) the industry establish "rules" for rating video programming that contains sexual, violent or other indecent material, and (ii) the rules must be acceptable to the FCC. Preferably these rules should be clear and concise because they must be applied to programs by individual broadcasters, not by committee. And the rules must be consistent so that parents will have confidence in the system.

By its own admission, the industry stated from the outset that the guidelines would resemble the MPAA Ratings System. They do. The stated goal of the industry was not to meet the requirements of Section 551(e) but rather to "create *guidelines* which would be simple to use, easy to understand and handy to find". They aren't. These guidelines are not rules. A guideline is defined as "a statement of principle giving practical guidance" whereas a rule is "a statement of what can or must be done in a certain set of circumstances".

These guidelines are not acceptable because they do not establish rules for rating programming. The guidelines provide limited practical guidance for parents and vague information regarding the "suitability" of a program. A system which doesn't provide an explanation for why a program is rated as it is runs the risk of confusing and misleading viewers and is prone to inconsistency. Clear and concise rules are necessary so that broadcasters and parents can apply the rules and arrive at a similar result on a consistent basis. Rules form the basis for guidelines. The industry guidelines lack rules. But the guidelines needn't be rejected altogether because they do provide some direction for establishing a set of rules:

Guideline for TV-G: A program with this designation may contain *little or no violence, no strong language and little or no sexual dialogue or situations.*

Guideline for TV-PG: A program with this designation may contain *infrequent coarse language, limited violence, some suggestive sexual dialogue or situations.*

Guideline for TV-14: A program with this designation may contain *sophisticated themes, sexual content, strong language and more intense violence.*

Guideline for TV-M: A program with this designation may contain *mature themes, profane language, graphic violence or explicit sexual content.*

The broadcaster responsible for rating a program will have to evaluate program content based on these criteria: theme, violence, sexuality and language. A broadcaster must be able to discriminate between *limited violence*, *intense violence* and *graphic violence* when analyzing the violence in a program. A similar set of decisions will have to be reached based on the sexuality, language and theme of the program. The result of each of these decisions determines the overall rating of the program. According to the guidelines, a program containing *intense violence*, *no strong language* and *no sexual dialogue or situations* must be rated TV-14. The industry guidelines need rules to arrive at the appropriate rating designation on a consistent basis.

For example, I believe the following rules would be sufficient to meet the requirements set out in Section 551(e) of the 1996 Act. These same rules could serve as a basis for arriving at the rating designation using the industry guidelines:

Rule V1: If a program contains mild fights, slapping, kicking, or punching then the program contains *limited violence*.

Rule V2: If a program contains gunplay, dead bodies, or rampant fisticuffs then the program contains *intense violence*.

Rule V3: If a program contains gore, graphic scenes, or spurting blood then the program contains *graphic violence*.

Rule S1: If a program contains innuendo, or references to sexual behavior then the program contains *suggestive dialog and situations*.

Rule S2: If a program contains depictions of sexual behavior, or brief nudity then the program contains *discreet sexual content*.

Rule S3: If a program contains depictions of physical intimacy, or full nudity then the program contains *explicit sexual content*.

Rule L1: If a program contains vulgarities such as butt, crap, sucks, damn, or hell then the program contains *coarse language*.

Rule L2: If a program contains rampant vulgar language or adult language then the program contains *strong language*.

Rule L3: If a program contains sexually explicit language or frequent four-letter words then the program contains *profane language*.

These rules can be applied to any program by any individual and should result in a similar outcome on a consistent basis. The application of these rules will produce descriptors that can be arranged on a scale for categories of violence, sexuality and language :

Level	Violence	Sexuality	Language
0	<i>None</i>	<i>None</i>	<i>None</i>
1	<i>Limited</i>	<i>Suggestive</i>	<i>Coarse</i>
2	<i>Intense</i>	<i>Discreet</i>	<i>Strong</i>
3	<i>Graphic</i>	<i>Explicit</i>	<i>Profane</i>

In each of our 3 Canadian trials, we found that content information was absolutely essential. All of our participants were familiar with movie ratings but 85% of the participants indicated that the movie ratings information is inadequate and often misleading. They frequently contested the movie rating, citing PG programs where there were huge ranges in the levels of sexuality and violence. Because of the dissatisfaction with the movie ratings, respondents were particularly pleased to make their selections based on content information describing the level of violence, sexuality and language. Participants felt strongly that content information relating to violence, sexuality and language should continue to be made available. They stated that the one category they would be willing to dispense with was the movie rating category.

The proposed industry guidelines state that "broadcast and cable networks may supplement the TV Parental Guidelines with additional information". HBO and Showtime use similar rules to determine the content labels appropriate for their programs :

The Mild Violence (**MV**) label is used if the conditions of Rule V1 are met.

The Violence (**V**) label is used if the conditions of Rule V2 are met.

The Graphic Violence (**GV**) label is used if the conditions of Rule V3 are met.

The Adult Content (**AC**) label is used if some of the conditions of Rule S1 are met.

The Brief Nudity (**BN**) label is used if some of the conditions of Rule S2 are met.

The Sexual Content (**SC**) label is used if some of the conditions of Rule S3 are met.

The Nudity (**N**) label is used if some of the conditions of Rule S3 are met.

The Rape (**RP**) label is used if some of the conditions of Rule S3 are met.

The Adult Language (**AL**) label is used if the conditions of Rule L2 are met.

The Graphic Language (**GL**) label is used if the conditions of Rule L3 are met.

Furthermore, the industry has also agreed to encode the rating on line 21 of the vertical blanking interval (VBI) once the FCC establishes the technical standard. Any "additional information" must be accommodated by the encoding scheme if broadcasters choose to supplement the "TV Parental Guidelines" with content information like that used by HBO and Showtime.

The Electronics Industry Association (EIA) has developed a technical specification for encoding program information on line 21 of the VBI and this system has been successfully adopted for use in Canadian trials over the last three years. The EIA specification is flexible and can accommodate a variety of classification systems. We have tested different classification systems for English Canadian and French Canadian programming as well as system for premium movie channels. We are also working with Australian authorities on their standards. We have encoded ratings and guidelines as well as descriptive content information in several categories without experiencing any loss of bandwidth in the system. In fact, the EIA specification requires that information be transmitted in character pairs. We transmitted the classification system ID, as well as the rating, in the first character and transmitted the various content information in the second character.

If no content information is transmitted in the second character, the EIA specification requires a "null" character to be transmitted in its place. It doesn't make sense to transmit a null character if useful information can be sent instead.

The guidelines offer some direction for determining one of the 6 designations when used in conjunction with rules like those previously outlined. These rules are complete and sufficient for rating programs and, in this regard, the guidelines are redundant - they don't provide any additional information. To state that a program *"may contain some material that some parents might find unsuitable for their children"* isn't saying much of anything (just be careful out there!) and could be stated for almost any program. From an electronics perspective, encoding the guideline would constitute a "waste of bandwidth". On the other hand, the industry met and consulted with scores of parental, medical, religious, child advocacy and educational groups to get their views on how the guidelines should be structured. I believe there is an opportunity to develop the guidelines to address the needs and concerns of these parties.

Parents will use the content information to judge what material is most suitable for their children because they are the only people qualified to know and understand their own children - we experienced that in each one of our trials. Every parent has concerns which are unique to their values and specific to the needs of their children and they don't necessarily agree with broadcasters who feel that *"most parents may let their younger children watch this program unattended"*. If parents have access to descriptive content information, they can make informed choices.

The rules that are necessary to determine the appropriate content descriptors are already made by the broadcaster in order to determine the appropriate guideline designation. Content information can be transmitted along with the guideline at no extra expense. There is no good reason for not making content information available to parents. The guidelines could be based on different criteria to provide additional (non-redundant) information to parents. The 6 proposed designations could be kept, but the criteria for determining the designation should be based on the compelling evidence and academic/pathological research on media effects that were undoubtedly expressed by the scores of parental, medical, religious, child advocacy and educational groups that met with the industry group.

At a White House meeting on Feb. 29, 1996, the industry promised to "offer as much parental guidance and information as is humanly possible to provide". The proposed guidelines do not meet the requirements of Section 551(e)(i). The proposed guidelines are not acceptable in their present form - but with some work and real consultation, the guidelines could prove to be very useful. It is not only possible to provide and encode more useful information, I believe it is the duty of parents and the FCC to make sure the industry delivers on their promise.

Tim Collings is a professor of Engineering Science at Simon Fraser University in Burraby, British Columbia, Canada V5A 1S6. Tel: (604) 291-3817, Fax: 291-4951 email: collings@cs.sfu.ca